



Crl.O.P.No.4608 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 506(ii) of IPC and Section 4 of DP Act (1961) and Section 9 of Prohibition of Child Marriage Act (2006) in Crime No.1 of 2023, seek anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant were in love with each other and when it was came to the knowledge of A2, he reprimanded A1 and opposed their love, whereas, A1 had married the defacto complainant without the knowledge of A2 and they were living separately for few days, during which, A1 had committed penetrative sexual assault on the victim girl, due to which, she become pregnant. Later, A1 found missing, due to which, the victim girl went to his house, where A2 has abused her in a filthy language, attempted to assault her, threatened her with dire consequences and also demanded 10 sovereigns of jewels and a two wheeler as dowry for living with his son. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated



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in this case. He would further submit that the petitioners are no way connected with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the first petitioner, under the guise of loving the minor victim girl, had married her and committed penetrative sexual assault on her, due to which, she become pregnant and thereafter, left her on the instruction of his father/A2. The further allegation against A2 is that he had abused the victim girl, threatened her and also demanded 10 sovereigns and a two wheeler as dowry from her for living with his son/A1. He also submitted that the statement under Section 164 Cr.P.C has been recorded from the victim girl. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.In reply, the learned counsel for the petitioners submitted that the first petitioner is ready to live with the defacto complainant and prayed that the matter may be referred to Mediation, since there is a likelihood of settlement between the parties. Hence, he prays for grant of anticipatory bail to the petitioners.



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6.Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) and perused the entire materials available on record including the statement under Section 164 Cr.P.C recorded from the victim girl.

7.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner that the first petitioner is ready to live with the defacto complainant, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Chidambaram, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b)the first petitioner should file an affidavit of undertaking stating that he will live with the defacto complainant peacefully and take care of her and their child and never leave her at any circumstances;

(c) the petitioners shall report before the respondent police on alternative days at 10.30 a.m., for a period of eight weeks;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;



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9.Considering the nature of dispute between the parties and the request made by the learned counsel for the petitioners, the matter is referred for mediation. Therefore, the petitioners and the defacto complainant are directed to appear before the Legal Services Authority, Kattumannarkovil, for six sittings from on 20.03.2023.

02.03.2023

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